

ORDINANCE NO. 2000-001

*Granting encroachment to Hiller Hardware for
landscaping within the tree zone and right of way areas adjacent
to its property located at 2129-2131 Blossom Street and Hilton Street*

WHEREAS, Hiller Hardware (hereinafter "Grantee") desires to utilize the tree zones and right of way areas adjacent to its property located at 2129-2131 Blossom Street and Hilton Street; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 12th day of January, 2000, that Grantee is hereby granted the right to landscape the tree zones and right of way areas adjacent its property located at 2129-2131 Blossom Street and Hilton Street as shown on the attached drawing.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment shall be maintained by the grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment and in the event the encroachment becomes in conflict with future municipal plans, said property shall be returned to the City by Grantee.

PROVIDED FURTHER that the evidence of public liability insurance naming the City as an insured in the minimum amount of \$500,000.00 for personal injury and property damage shall be filed annually with the City Clerk by Grantee, its successors and assigns.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above

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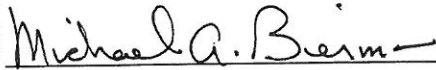
privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



MAYOR

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 1/5/2000

Final Reading: 1/12/2000

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November 11, 1999

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VIA FAX AND U.S. MAIL

Mr. Nathaniel B. Land, Jr., AICP
City of Columbia
Development Services
P.O. Box 147
Columbia, SC 29217

RE: Hiller Hardware Five Points, 2129-31 Blossom Street,
TMS 11312-15-21; zoned C-3



Dear Mr. Land:

I'm writing you this letter following our meeting on Wednesday, November 10th, at the Hiller Hardware Five Points location, concerning the above referenced property. I want to thank you for spending so much time and effort to resolve any issues that the city may have with respect to this property. I think we better understand the City's concerns and I've set forth for you below the proposed resolutions we discussed as follows:

1. Grass and shrubs will be planted from the corner of the building to the end of the building along the backside of the building for approximately 80 feet so long as it does not interfere with utilities.

2. For the back of the street view fronting Blossom we are contracting with a decorative "fence" company to help us procure an 8 foot tall black square or round metal decorative fence very similar to what is across the street. This black metal decorative fence will have points on the top and will be an attempt to match the fence with other fences in the surrounding area.

3. As far as the concrete wall directly behind the fence, we will paint the wall using an earth tone "sand" color and we plan on placing on the first shelf of the wall plants fronting Blossom Street. Also, we will obtain a draft for your review of landscaping along the front of the fence with tree formed Crepe Myrtles very similar to what is across the street followed by some other suggested landscape material down to the sidewalk.

4. It's our understanding that we'll be allowed to keep the metal fence near the gate and the fence, four poles from the gate, which will allow us to use the existing gate.. Also, I appreciate you understanding our concerns for the back fence facing the back parking lot next to the back of the building which probably poses our highest security risk. It's my understanding that we'll be allowed to finish that fence.

TIMEFRAME

Concerning a definite timeframe proposal, as we discussed, by next Friday we'll submit proposed landscaping plans as well as fencing materials for your approval. At that time we should have feedback from our various contractors in order to give us a time reference which we hope will allow a date certain to be picked for completion of the project as proposed. We would appreciate you reviewing the above and getting back in touch with us about temporary solutions while the ongoing change of the project as it now exists is completed.

I thank you in advance for your cooperation. I am

Very sincerely yours,



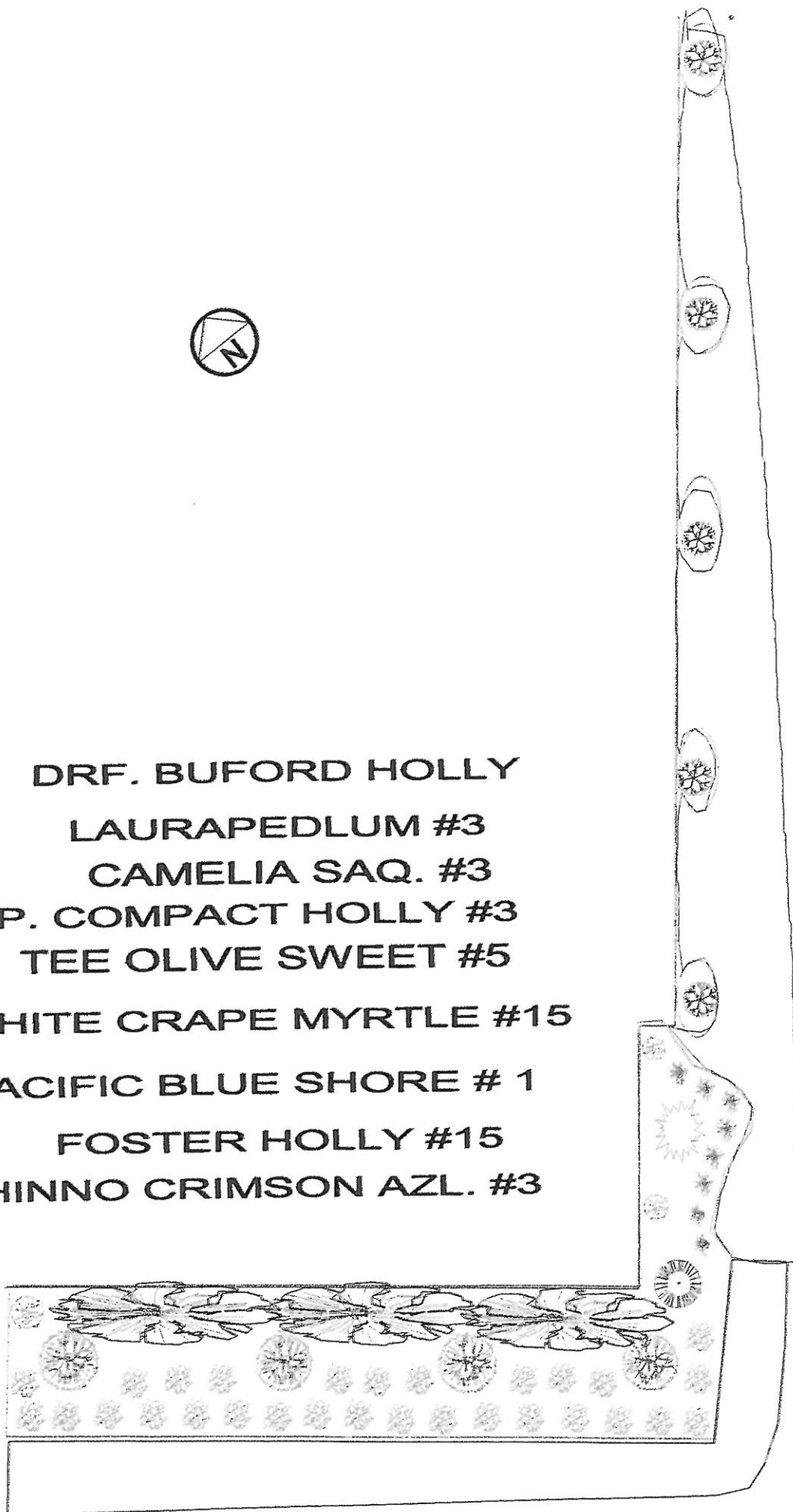
Mark T. Arden

MTA/tds

cc: Bill Hampton



DRF. BUFORD HOLLY
LAURAPEDLUM #3
CAMELIA SAQ. #3
JAP. COMPACT HOLLY #3
TEE OLIVE SWEET #5
WHITE CRAPE MYRTLE #15
PACIFIC BLUE SHORE # 1
FOSTER HOLLY #15
HINNO CRIMSON AZL. #3

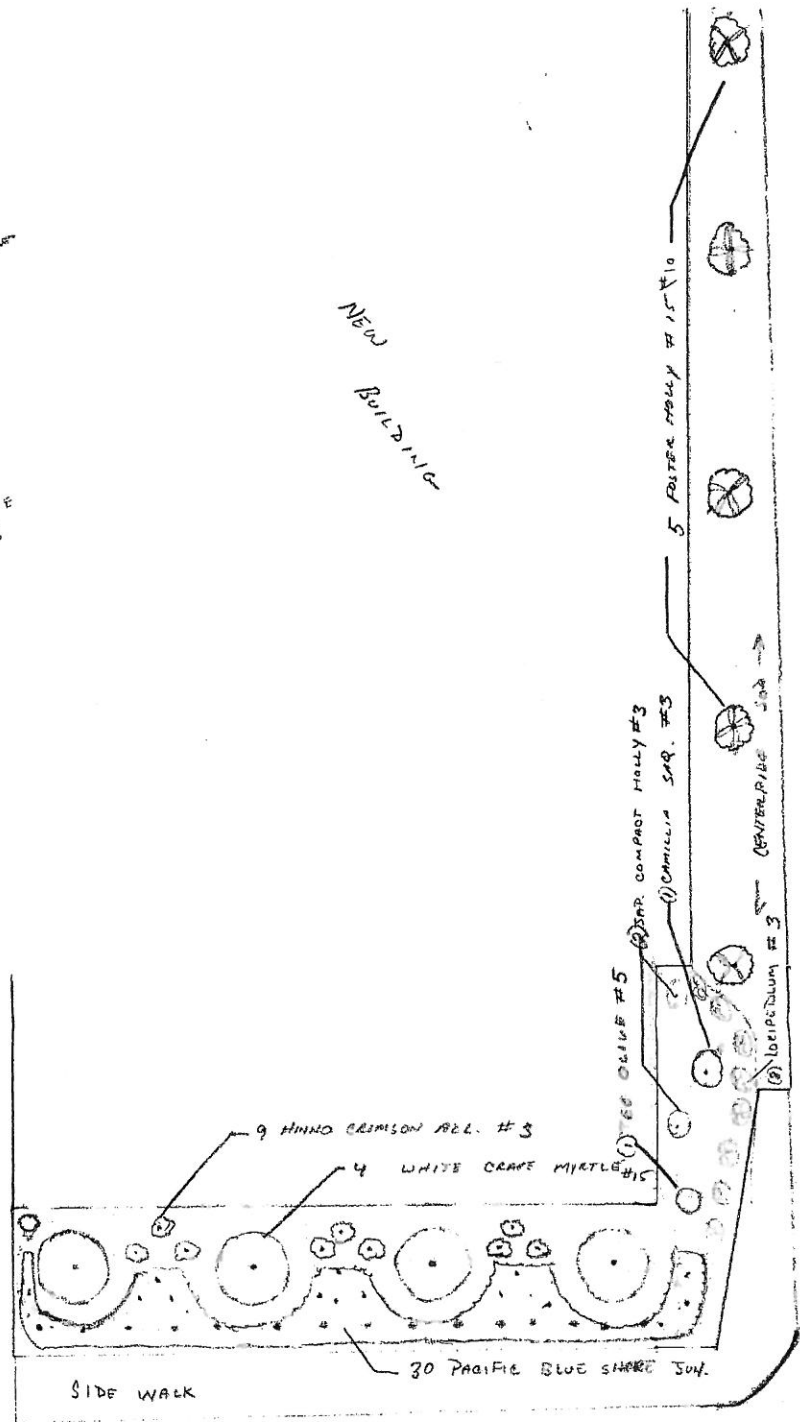


SCALE 1/10" = 1'

HILLER HANDS ON ARTIST
12-09-99

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PARKING



BLOSSUM ST.